

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
MICHAEL A. DEAN 110231,
and JEAN P. GIBSON 54636, and
PAT EDMONDS 1115819.

(full name) (Register No.)

)

)

)

Plaintiff(s).)

v.) Case No. 70-3298-CV-S * GAF P

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(Full name)

)

)

Defendant(s). SUPERSEDING AMENDED

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

- I. Place of present confinement of plaintiff(s): Michael A. Dean Boonville Correctional Center; Jean-Paul Gibson Potsi Correctional Center; Pat Edmonds South Central Correctional Center, all facilities are Divisions of the Missouri D.O.C..

- II. Parties to this civil action:

Please give your commitment name and any another name(s) you have used while incarcerated. Michael A. Dean; Jean-Paul Gibson; Pat Edmonds.
1102311 54636 1115819

A. Plaintiff Register No.

Address: 1216 E. Morgan St., Boonville, MO 65233; 11593 State Hwy.0 Mineral Point, MO 63660; 255 W. Hwy 32, Licking, MO 65542, Respectively.

B. Defendant Michael Bowersox, (See attached caption page for additional Defendants).

Is employed as Superintendent of South Central Correctional Center.

For additional plaintiffs or defendants, provide above information in same format on a separate page. **(additional Defendant's provided on page 1(a).)**

DEFENDANT'S CONTINUED FROM PAGE 1, OF COMPLAINT FORM

MISSOURI DEPARTMENT OF CORRECTIONS,
PATRICIA CORNELL - ASSISTANT DIRECTOR M.D.O.C.,
MICHELLE BUCKNER - ASSOCIATE SUPERINTENDANT OF S.C.C.C.,
DON ROPER - FUNCTIONAL UNIT MANAGER S.C.C.C.,
RICKY FISHER - CASEWORKER S.C.C.C.,
PRINCESS FAHNSTOC - INITIAL CENSORING PARTY S.C.C.C.,
MIKE KEMNA - DEPUTY DIVISION DIRECTOR ADULT INSTITUTIONS
TERENA BOLINGER - ASSISTANT WARDEN S.C.C.C.,
GREG HADLEY - BUSINESS MANAGER S.C.C.C.,
JOHN ROGERS - RECREATION OFFICER - III S.C.C.C.,
TROY WADE - FUNCTIONAL UNIT MANAGER S.C.C.C.,
WAYLON WILSON - CASEWORKER S.C.C.C.,
KENNETH LEADER - CASEWORKER S.C.C.C.,
DEFENDANTS,

ALL DEFENDANTS ARE NAMED IN BOTH THEIR OFFICIAL AND PRIVATE CAPACITIES

1(a)

III. Do your claims involve medical treatment? Yes _____ No _____

IV. Do you request a jury trial? Yes No _____

V. Do you request money damages? Yes No _____

State the amount claimed? \$ _____ ~~\$20,000~~ (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes No _____

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes No _____

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes No _____

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

Each Plaintiff has exhausted the Administrative remedy process on the issue related hereto, numerous times. Documentation is attached hereto, and incorporated herein by reference, in the Memorandum in Support of Complaint, as Exhibits.

D. If you have not filed a grievance, state the reasons.

Administrative remedies have been exhausted.

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes _____ No _____

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes _____ No _____

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: N/A

(Plaintiff)

(Defendant)

(2) Date filed: _____

(3) Court where filed: _____ N/A

(4) Case Number and citation: _____ N/A

(5) Basic claim made: _____ N/A

(6) Date of disposition: _____ N/A

(7) Disposition: _____ N/A
(Pending) (on appeal) (resolved)

(8) If resolved, state whether for: _____ (Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

STATEMENT IN COMPLIANCE WITH Fed. R. Civ. P. 8(a)

The Defendants named herein, have while acting under the color of state law intentionally deprived the Plaintiffs of their constitutional rights under the First Amendment to the Constitution of the United States. They have done so by unreasonably applying policies prohibiting inflammatory and/or obscene items, to specific publications that have been reviewed by third parties and deemed uninflammatory and not obscene. Further, the Mo. Dept. of Corrections and its Division Director, have set in place, acting under the color of state law, policies which facilitate unconstitutional censorship of a publication if the publication contains any stickers, posters, or any item which when construed as a free gift, allows the censorship of the publication. Further, the other Defendants named herein, acting under the color of state law, as well as the Mo. Dept. of Corrections, and the Division Director have applied such policies in a manner that negates any legitimate penological interests. (Cont., on attachment).

- B. State briefly your legal theory or cite appropriate authority:

(See Memorandum in Support Attached)

IX. Statement of Claim: (cont.)

A. (cont. from Complaint Form page 3).

In addition, Defendants have in all cases refused to allow Plaintiffs to view and/or review the censored items, thereby depriving Plaintiffs of the ability to properly perfect an appeal of the censorships, or otherwise stipulate to the censorships, which has resulted in Due Process violations under the 14th Amendment. Further, the Defendants have subjected the Plaintiffs to censorships of specific censorships when other persons similarly situated, were not subjected to the censorships, in violation of the Plaintiffs Rights under the 14th Amendment.

(Specific Defendants and the details of the allegations are set forth in the Memorandum in Support of the Superseding Amended Complaint attached hereto.)

- X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

Plaintiffs are seeking both injunctive relief and monetary damages
the specifics of which, are outlined in the "Remedy Being Sought by
Plaintiffs" section of the Memorandum in Support attached hereto.

- XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. N/A

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes No

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

Daniel Manville, General Counsel, Human Rights Defense Center,
P.O. Box 20321, Ferndale, MI 48220. Kenneth J. Rothman, Caprs, Sokol,
Goodman & Sarachan, St. Louis, MO.. Richard Barrett, P.O. Box 2050
Learned, MS 39154.

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes No

If your answer is "Yes," state the name and address of the lawyer.

N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this tenth day of June 2010

Pet Edmonds
Signature(s) of Plaintiff(s)

Michael Deas
J.P. Linton